
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Westplex Broadcasting LLC)	File No.: EB-FIELDSCR-15-00018006
Owner of Antenna Structure No. 1065466)	
)	NOV No.: V201532560003
)	
Davis, MO)	

NOTICE OF VIOLATION

Released: January 14, 2015

By the District Director, Kansas City Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Westplex Broadcasting LLC (Westplex), owner of antenna structure number 1065466 in Davis, MO. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On January 6, 2015, in response to a complaint that the night-time lighting installed on the structure was not red lighting as required, an agent from the Kansas City Office contacted Westplex and found the following violation(s):

- a. 47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure must conform to the FAA's painting and lighting specifications set forth in the FAA's final determination of "no hazard" and the associated FAA study for that particular structure. For purposes of this part, any specifications, standards, and general requirements set forth by the FAA in the structure's determination of "no hazard" and the associated FAA study are mandatory. Additionally, each antenna structure must be painted and lighted in accordance with any painting and lighting requirements prescribed on the antenna structure's registration, or in accordance with any other specifications provided by the Commission." On January 6, 2015, Westplex informed the agent that the antenna structure was

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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lighted via strobes. The FAA requirement for this particular structure is red lighting.

- b. 47 C.F.R. § 17.57: “[...] The owner must also notify the Commission within 5 days of any change in structure height or change in ownership information (FCC Form 854).” On January 6, 2015, Westplex stated that they were the current owner of antenna structure number 1065466. The information listed in the FCC database for registration number 1065466 had not been updated to reflect this change in ownership.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Westplex Broadcasting LLC must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Westplex Broadcasting LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Westplex Broadcasting LLC with personal knowledge of the representations provided in Westplex Broadcasting LLC’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in Westplex Broadcasting LLC possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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Kansas City Office
520 NE Colbern Rd., 2nd Floor
Lees Summit, MO 64086

6. This Notice shall be sent to Westplex Broadcasting LLC at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Ronald D. Ramage
District Director
Kansas City Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).